

12-08-08

IFW
\$
✓



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10657888	9/9/2003	SWAHN, ALAN EARL	

ALAN EARL SWAHN
95 KARA DRIVE
NORTH ANDOVER, MA 01845

EXAMINER

Brian P. Whipple

ART UNIT	PAPER
----------	-------

2152 20080930

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 1/8/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) (See 37 CFR 1.111).

Applicant has amended numerous claims and added a number of new claims without indicating where the support for the amendments is located within the disclosure. "Applicant should... specifically point out the support for any amendments made to the disclosure" (See MPEP 714.02).

The failure to provide support for the claim amendments limits the Examiner's ability to prepare a new Office action in regards to determining if there is adequate written description of the claimed invention. "There is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, Wertheim, 541 F.2d at 262, 191 USPQ at 96; however, with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims" (See MPEP 2162, II, A).

Therefore, the Applicant should specifically point out where in the original disclosure (drawings, abstract, specification, and/or original claims) support exists for the amendments made to the claims. This is especially true of independent claims 22 and 30, which have been newly added, but no support in the specification has been pointed out by Applicant.

Furthermore, newly added claims should be argued to be patentable over the previously applied prior art. Applicant has adequately equated the arguments applied to claims 1 and 9 to the newly added claim 22, but makes no arguments for newly added independent claim 30. "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references" [See 37 CFR 1.111, (b)].

So in summary, support in the original disclosure should be pointed out by the Applicant for the amendments to the claims and, additionally, the Applicant should also argue how the newly added independent claim 30 overcomes the prior art.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (10:30 AM to 7:00 PM EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached

on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B.P.W/
Examiner, Art Unit 2152
9/30/08

/Bunjod Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152

PTO-90C (Rev.04-03)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DEC 06 2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,888	09/09/2003	Alan Earl Swahn		2635

7590 10/08/2008
ALAN EARL SWAHN
95 KARA DRIVE
NORTH ANDOVER, MA 01845

EXAMINER

WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
----------	--------------

2452

MAIL DATE	DELIVERY MODE
-----------	---------------

10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.